

IMPEACHMENT OF SNITCH PREPARATION CHECKLIST

I. WHAT TO LOOK FOR IN INVESTIGATING A SNITCH

A. Bias or Motive of Snitch

1) Any “Expected” Benefits or Concessions in Snitch’s Pending Case(s)

(what the Snitch is hoping for is what counts instead of what he really gets)

- a) Potential rewards that Snitch could obtain
 - i) Dismissed or reduced charges
 - ii) Sentence concessions
 - iii) Consolidation or concurrent sentences
- b) Formal or informal deals
- c) Concessions about probation revocations
- d) Cases in other jurisdictions as well as federal “substantial assistance” game
- e) Promises made by police officers

2) Protection from Future Prosecution (for any criminal acts that could be prosecuted)

- a) Immunity)
- b) Promises not to prosecute the Snitch or family member/significant other
 - i) Including other jurisdictions and federal government
 - ii) Such promises may be formal or informal
 - iii) Promises may be made by prosecutors or law enforcement agents
- c) Agreement that State/Government not to seek forfeiture of property

3) Other Incentives to Cooperate with State

- a) Payment of cash for cooperation and method for determining payment
- b) Promises regarding bond reduction or pretrial release
- c) Prison or jail privileges or protections, and special recommendations
- d) Threats to file additional charges or charge family members
- e) Deportation or immigration issues
- f) Any other special recommendation

4) Circumstances of Snitch’s Cooperation

- a) Timing of Agreement...When and how did Snitch decide to snitch?
 - i) After claims of innocence or coerced statements
 - ii) After talking to other snitches and/or reading discovery
 - iii) After learning of potential lengthy sentence
 - iv) Who visited snitch in jail and when may shed light on untruthful story
 - v) Whether snitch was on probation or in prison at time of deal-cutting

- b) Did Snitch use “questionable sources” to get information about the case

- i) Collusion with other snitches about the case
 - ii) Reading discovery materials
 - iii) Was the most culpable person now trying to downplay his role
- c) Prior Snitching Experience...knowledge of how to play the snitch game
 - i) Previous cases where deals were cut (state or federal) to become a snitch
 - ii) Prior experience as confidential informant or “Third Party Cooperator”
 - iii) Prior experience in “plea bargaining”
 - iii) Incidents where Snitch was not prosecuted in past and reasons why

5) Personal Motives, Bias, or Bad Feelings

- a) Toward defendant (or family/friends)
- b) History of hostility or disagreements toward defendant (or family/friends)
- c) Acts of intimidation by Snitch toward other witnesses
- d) Gang or group membership or rivalry
- e) Relationships with other State’s witnesses or police officers

B. Prior Convictions (Rule 609)

- 1) Felonies or Misdemeanors
- 2) Convictions outside 10-year time limit pertaining to credibility
- 3) Juvenile adjudications relating to credibility or important issues
- 4) All details of prior crimes...they may be useful for other purposes

C. Specific Instances of Conduct Relating to Untruthfulness (Rule 608(b))

1) Previous Lies, False Statements, and Dishonesty

2) Examples of such conduct

- a) False statements (about anything oral or written)
- b) Use of false names or identity
- c) False information on “Indigency Affidavits”
- d) Letters in court file often contain false claims
- e) False information in applications, leases, contracts, business dealings
- f) Untrue information to prison or jail officials
- g) False testimony in any matter
- h) False information to employers or supervisors

3) False or broken promises to judicial officials such as:

- a) Violate plea agreement by FTA, drug use, or incurring new charges
- b) Probation violations or revocations
- c) Failures to Appear based upon written “promise to appear”

D. Inconsistent Statements about the Case

(i.e., *anything said or written by the Snitch to anyone*)

E. Opinions or Reputation about Snitch's Untruthfulness or Dishonesty

Possible sources: employers, neighbors, probation or parole officers, local police officers, jailers, pretrial service officers, family members or former friends

F. Other Matters Including Anything Relevant to Credibility (Rule 611 (b))

- 1) Personal problems affecting credibility, memory, observation, or perception
 - i) Mental health history
 - ii) Drug and alcohol abuse history
 - iii) Medical problems
- 2) Any conduct that makes the Snitch look bad...Snitches often lie about unimportant details to make themselves look good and open door to inadmissible details

II. WHERE TO LOOK FOR SNITCH IMPEACHMENT INFORMATION

A. Public Records

1. Criminal Records

- a. **Snitch's CR/CRS files:** Run county-by-county check; then physically inspect all contents of each file; certified copies for out-of-county convictions
- b. **Victim/Witness (ACIS) Inquiry** on Snitch (can lead to domestic violence statements...previous testimony)
- c. **NCDOC Website...**Inmate's prison and probation history, sentence details, photograph if currently incarcerated, number of disciplinary infractions, and prison transfers
- d. **Federal Court CR/M files:** Charlotte, Greensboro, Raleigh; public inquiry by computer; inspect each file
- e. **Items of interest in criminal records:**
 - i) Personal information and names that will lead to other sources
 - ii) Transcripts of proceedings of Snitch's cases or prior testimony such as:
 - a) Plea and sentencing hearings
 - b) Trial testimony from other cases (or Snitch's case)

**NOTE: Get dates of hearings or testimony and names of court reporters so lawyer can obtain court order for preparation of transcripts*
 - iii) Indigency Affidavits signed by Snitch with personal information
 - iv) Snitch's LETTERS to Judge, etc. or pro se motions
 - v) Sentencing Memoranda submitted at Snitch's sentencing

- vi) Motions/affidavits made by Snitch's lawyer ("agent")
- vii) Details of the crimes (police reports) and probation violations
- viii) "Statements" made by Snitch as prior prosecuting witness
- ix) Federal preliminary examinations, detention hearings, Rule 11 hearings, and sentencing hearings
- x) State magistrate bond findings...may include snitch's statement to official

2. Civil Records

- a. **CV/ CVS files** (civil suits, *domestic cases in which snitch was plaintiff or defendant)
- b. **"M" files** (small claims, landlord-tenant disputes)
- c. **Special Proceedings (SP)** files (names changes, mental commitment lists)
- d. **Business records:** county's register of deeds (UCC filings, real estate, local corporate records) and NC Secretary of State (corporate filings)

3. Other Administrative Records

- a. **DMV records** (by computer inquiry): Can lead to other pertinent information such as individuals' locations, vehicle sales transactions involving snitch, name of leinholder (who will have a credit application)
- b. **Jail records of Snitch** including visitation logs for Snitch (Some are public depending on the jail and investigator's relationship with jail staff but court order/subpoena will be necessary for others.)
- c. **U.S. Bureau of Prisons**...Obtain USM number from judgment, contact Inmate Locator Service (www.bop.gov). Public information is limited.
- d. **Freedom of Information Act (FOIA)** request from federal officials: Needs to be submitted early since it usually takes several weeks or months (start with www.usdoj.gov/04/foia)
- e. **"gov-records.com"** (after you pay a membership fee, you may obtain many federal and state government records)
- f. **"NCopengov.org"** (public records from N.C. agencies)
- g. **"fd.org"** (A site maintained by Federal Defender Services that links you to federal records.)

4. Internet Sources

- a. Google or "search.yahoo.com"
- b. Lexis (public records search)
- c. Accurint, "InternetSleuth.net" (not necessarily free), "Net Detective", or Intelius
- d. Facebook or My Space

B. PRIVATE Records or Documents

- 1. **Juvenile court records** from clerks' office and juvenile counselor (per court order)
- 2. **Probation records** of Snitch (per court order)

3. Jail records of Snitch (some are public and court order/subpoena needed for others):

- a) Visitation Logs (who visited Snitch when)
- b) Personal Property Inventory List (what Snitch had on him upon admission)
- c) Inmate List by Cellblock (identifies Snitch's jail neighbors)
- d) Jail Disciplinary Records
- e) Medical or Sick Call Records

4. NCDOC prison records including custody records, study and study performance, work and work performance, disciplinary, counseling, psychological, psychiatric, medical, and any and all other matters in DOC file. (DOC requires a court order with a non-disclosure to third party clause.)

5. Personal records (per court order or release of information signed by Snitch)

- a. Mental Health records
- b. Drug Abuse/Treatment records
- c. Medical/EMS records (Snitch will usually say something to EMS technicians)
- d. Employment records
- e. Military records (this may take a while)
- f. Facebook records (need to obtain fairly quickly)
- g. Cellphone records with tower locations (need to obtain fairly quickly)

6. Case-Related Documents under State's Control that the lawyer should obtain in discovery (*"Statements [written or oral] ...notes...or any other matter or evidence obtained during the investigation of the offenses alleged...."* N.C.G.S. 15A-903(a)(1))

- a. Snitch's prior "statements" or reports of interviews
- b. Officers' and ADA's notes of all contacts with Snitch
- c. Notes of contact or letters from Snitch's attorney or Snitch's family to state officials
- d. Grand Jury testimony (if any; feds often call snitch before their GJ)
- e. Polygraph test answers or statements
- f. Prior experience as Snitch (or CI): some jurisdictions have written contracts;
some agencies keep a personnel file for informants (they have to if public \$ spent)
- g. Records of monetary payments (SBI keeps records, local agencies should do the same)
- h. Deals or Promises made by DA's Office or Law Enforcement (see Part I.A.1-4 above)
- i. Any "proffers" or disclosures of cooperation made to State
- j. Immigration status of Snitch from Immigration and Customs Enforcement (formerly INS...ICE will release information to state prosecutor upon request or information can be requested via FOIA.)
- k. Jail telephone calls...most local jail record inmates' calls

C. INTERVIEWING People Familiar with the Snitch

- 1. The Snitch (if unrepresented or with attorney's permission)
- 2. Snitch's lawyer
- 3. Snitch's Co-Defendants or Accomplices (or their lawyers)
- 4. Cellblock neighbors
- 5. Snitch's Co-Defendants or Accomplices from previous cases
- 6. Victim's of Snitch's crimes and witnesses against Snitch from previous cases

7. Family members, friends, significant others, and EX-significant others of Snitch
8. Employers and co-workers (*ask for employment records or job applications)
9. Landlords and neighbors (*ask for leases or applications)
10. Creditors (*ask for loan applications)
11. Police officers (past and present cases)
12. Probation officers (and pre-trial release officers)
13. Jailors
14. Bondsmen
- 15 Facebook “friends”

* If anyone has any additions or suggestions, please contact me.

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